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Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

CRIMINAL PRODUCTIONS, INC., Plaintiff, vs. DOES 1-32, Defendants.	Civil Action No. 2:17-cv-00550-DB-DBP Judge Dee Benson MOTION FOR ENTRY OF DEFAULT PURSUANT TO FRCP 55(a) AS TO CERTAIN DEFENDANTS AND MOTION TO TERMINATE ALL DISCOVERY PROCEEDINGS
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The Plaintiff, Criminal Productions, Inc., by and through its counsel of record, and pursuant to Rule 55(a), hereby seeks by motion entry of default for the Defendants identified below. These Defendants have failed to plead or otherwise respond to the Complaint.

(A) Statement of precise relief sought and the specific grounds for the motion

Criminal Productions, Inc. seeks entry of default against the following Defendants (“Defendants”) served on the dates identified below:

DOE	IP	NAME	ADDRESS	DATE SERVED
4	73.98.177.163	Troy Regier	6232 S STERNWOOD DR, Taylorsville, UT 84129	December 13, 2017
6	75.162.176.115	Mike Hudson	13521 S Muhlenburg Way, Riverton, UT 84065	December 1, 2017
17	67.177.16.219	Derrick Martin	776 24TH ST UNIT WEST, Ogden, UT 84401	October 26, 2017
19	75.162.114.81	Sara Palacios	141 W 200 N, Logan, UT 84321	November 1, 2017
21	67.177.45.20	Cynthia Delgado	105 GWEN ST, Ogden, UT 84404	October 26, 2017
28	73.98.208.3	Marta Torres	1663 W NORTHWOOD AVE APT 4, Salt Lake City, UT 84116	November 28, 2017
30	67.177.56.142	Terry Shelby	14775 S HADDINGTON RD, Draper, UT 84020	November 27, 2017
31	67.182.204.87	Maria Arredondo	3504 JEFFERSON AVE, Ogden, UT 84403	October 26, 2017

These Defendants were served with process and have failed to timely plead or otherwise respond to the Complaint to this date, November 6, 2018.

Plaintiff also seeks termination of discovery proceedings as to all defaulted defendants. Plaintiff's election of statutory damages and calculation of the amount is left to the discretion of the court without needing discovery as to defaulted defendants.

(B) Relevant facts, supporting authority, and argument.

The identified Defendants are in default

This Court granted Criminal Productions, Inc.'s motion for expedited discovery on June 14, 2017. Thereafter, Criminal Productions, Inc. sought the identification of these Defendant via a subpoena on the Internet Service Provider which manages the IP addresses above seeking contact

information for the Defendants. As typical, within weeks of receiving the subpoena the Internet Service Provider sent a letter directly to these subscribers/Defendants giving the Defendants notice of the subpoena request. The letter from the Internet Service Provider to the Defendants also provided contact information for the undersigned counsel.

After we received the Defendants' contact information from the Internet Service Provider, our office sought to contact and/or serve the Defendants directly at the same address used in the notice letter from the Internet Service Provider, if counsel for the had not already called on behalf of the Defendant. As to these Defendants, our communication to these Defendants and/or service of process was not returned as undeliverable and we received no indication that the Defendants no longer resided at the address we received from the Internet Service Provider.

Now, having been served as shown above and established by filed return of service, a response to the Complaint from each of these Defendants response was due twenty-one days later on. Each of these Defendants has entirely failed to plead or otherwise respond to the date of this motion.

These Defendants are in default.

Criminal Productions, Inc. requests entry of default as to the Defendants identified above. An order for Entry of Default is provided to the Court pursuant to the local rule.

As to defaulted Defendants, no discovery is needed for statutory damages

Upon entry of default for liability and willfulness, the only remaining issue is a calculation of an amount of damage. In this case, Plaintiff elects statutory damages under the Copyright Act, 17 U.S.C. 504 (c), which require no evidentiary proof for calculation but is left to the discretion of the court with a minimum of \$750 and up to \$30,000 per infringement. *Id.*

Plaintiff's election of statutory damages obviates the need for further discovery related to defaulted defendants. This court should terminate all discovery proceedings for all defaulted defendants.

Plaintiff requests entry of default as to all defendants identified herein and the termination of all discovery proceedings as to the defaulted defendants.

DATED: November 6, 2018

DUREN IP

By: /s/Todd E. Zenger
Todd E. Zenger

Attorneys for Plaintiff
Criminal Productions, Inc.

CERTIFICATE OF SERVICE

A true and correct copy of this motion and its associated proposed orders were served by first class mail as follows on November 6, 2018:

NAME	ADDRESS
Troy Regier	6232 S STERNWOOD DR, Taylorsville, UT 84129
Mike Hudson	13521 S Muhlenburg Way, Riverton, UT 84065
Derrick Martin	776 24TH ST UNIT WEST, Ogden, UT 84401
Sara Palacios	141 W 200 N, Logan, UT 84321
Cynthia Delgado	105 GWEN ST, Ogden, UT 84404
Marta Torres	1663 W NORTHWOOD AVE APT 4, Salt Lake City, UT 84116
Terry Shelby	14775 S HADDINGTON RD, Draper, UT 84020
Maria Arredondo	3504 JEFFERSON AVE, Ogden, UT 84403

_____/s/ Seth F. Littleford